

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 24-mj- 1081

HENRY FORD

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about April 5, 2024, in the County of Erie, in the Western District of New York, the defendant, knowing that he had previously been convicted on or about January 28, 2008, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess one (1) Ruger handgun, model LCP, serial number 371627103 and one (1) Radical Firearms rifle, RF-15, serial number RD 26350, both of which had been shipped or transported in interstate or foreign commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

**TIMOTHY
FUDELLA**

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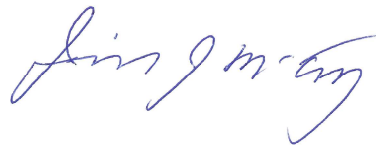
Complainant's signature

TIMOTHY FUDELLA
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives
Printed name and title

Sworn to before me and signed telephonically.

Date: April 5, 2024

City and State: Buffalo, New York



Judge's signature

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **TIMOTHY L. FUDELLA**, Special Agent of Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, having been duly sworn, states as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter referred to as “ATF”), and as such I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516(1), *et seq.* and Title 21, United States Code, Section 801. I further state that I am the kind of Special Agent as delineated in Title 18, United States Code, Section 3051.

2. I have been an ATF Special Agent since September of 2015. I am assigned to the Buffalo Field Office, New York Field Division. I am a graduate of the ATF National Academy and the Criminal Investigator School located at the Federal Law Enforcement Training Center in Glynco, Georgia. My primary duties as an ATF Special Agent include investigating violations of federal firearms laws including illegal firearm trafficking, unlawful possession of firearms, and the possession of firearms during the commission of drug trafficking crimes and crimes of violence. Additionally, prior to becoming an ATF Agent, I

was employed by United States Customs and Border Protection as a United States Customs and Border Protection Officer for approximately six years.

3. During my time as an ATF Special Agent, I have participated in investigations and the execution of search warrants and arrest warrants where illegally purchased/trafficked firearms, narcotics, electronic scales, packaging materials, cutting agents, books/ledgers indicating sales, receipts, computers, cellular telephones, and other items used to facilitate firearms and narcotics trafficking were seized. I have personally conducted and/or assisted in investigations of criminal acts involving violations relating to armed individuals that were involved in the distribution of controlled substances, including heroin, fentanyl, cocaine, cocaine base and other substances, in violation of federal drug laws, including Title 21, United States Code, Sections 841 and 846, and Title 18, United States Code, Sections 922 and 924. Additionally, I have also participated in interviews and debriefings of individuals involved in firearms and narcotics trafficking. I am familiar with the habits, methods, routines, practices, and procedures commonly employed by persons engaged in the illegal trafficking of firearms and illegal drugs.

4. This affidavit is submitted in support of a criminal complaint against **HENRY FORD**, for violations of Title 18, United States Code, Section 922(g)(1) (possession of a firearm by a felon). This affidavit is being submitted for a limited purpose, that is, a probable cause determination. Therefore, I have not presented all of the facts of the investigation to date. I have set forth only the information I believe to be necessary to establish probable cause. The facts in this affidavit come from my personal observations, my training and

experience, and information obtained from law enforcement officers and witnesses, as well as Buffalo Police Department and ATF reports.

PROBABLE CAUSE

5. On April 4, 2024, law enforcement officers obtained a search warrant, signed by the Honorable Samuel Davis, Buffalo City Court Judge, commanding the search and seizure of evidence from 113 Erb Street, Buffalo, NY 14215, the person of **FORD**, any person thereat or therein the premises of 113 Erb Street, and granting permission to photograph all areas of the residence and persons. Your affiant, along with members of the Buffalo Police Department Intelligence unit, executed the search warrant on the morning of April 5, 2024.

6. Upon arrival, **FORD** was located sitting in the driver's seat of an idling SUV across the street from 113 Erb Street. Law enforcement officers removed **FORD** from the vehicle and placed him in custody. During a search of his person, officers located a Ruger, model LCP, 380 caliber handgun in **FORD's** right pocket. The handgun was loaded with 6 rounds of ammunition and bore serial number 371627103. A law enforcement query indicates that the Ruger was reported stolen from Georgia in September 2019.

7. Law enforcement officers on scene provided **FORD** with *Miranda* warnings. Once the location was secured, law enforcement officers searched the residence. Officers located a Radical Firearms, model RF-15, 5.56 caliber rifle on the bed in the front bedroom on the left side of the house. The rifle was in a soft case that also contained a box of 2.23 ammunition. The rifle bore serial number RD 26350. A query of the rifle indicates it was stolen from a vehicle within the city of Buffalo on or about March 26, 2024.

8. Law enforcement officers located mail, in **FORD's** name and addressed to 113 Erb Street, on a dresser in the room that the rifle was found. Additional mail in **FORD's** name was located in a desk in the front living room area of the residence.

9. **FORD** was transported to the Buffalo Police Headquarters where he was placed in an interview room and reminded of his *Miranda* warnings. To summarize, **FORD** stated that he had recently acquired "that stuff" from a friend who was trying to buy a car. **FORD** then stated that he would feel more comfortable continuing the conversation with his lawyer present and the interview concluded.

10. The firearms seized in connection with this investigation meet the definition of a firearm as per Title 18, United States Code, Section 921(a)(3) because they were designed to expel a projectile by the action of an explosive. Law enforcement officers were able to determine that the above-mentioned firearms were manufactured outside of New York State, and that both would have travelled in, and affected, interstate commerce prior to being recovered in New York State.

11. A review of **FORD's** criminal history indicates that on or about January 28, 2008, **FORD** was convicted in Erie County Court, Erie County, New York, for the crime of Robbery in the first degree, a class B felony, a crime punishable by more than one year in prison. **FORD** was sentenced to eighteen years in prison, to be followed by five years of post-release supervision.

12. **WHEREFORE**, based on the above information, your affiant respectfully submits there is probable cause to believe that **Henry FORD**, did knowingly and unlawfully violate Title 18, United States Code, Section 922(g)(1) (possession of a firearm by a felon).

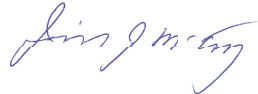
**TIMOTHY
FUDELLA**

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TIMOTHY FUDELLA
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed telephonically,

This 5th day of April 2024



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge